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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: K. Kianni
HIROSHI ENDO et al.)
: Group Art Unit: 2624
Application No.: 09/080,861)
: Filed: May 18, 1998)
: For: IMAGE FORMING SYSTEM) April 23, 2002

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OFFICE OF PETITIONS

Commissioner for Patents
Washington, D.C. 20231

Attention: Frances Hicks
PETITIONS BRANCH

I hereby certify that this correspondence is being
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April 23, 2002
(Date of Deposit)

Dennis A. Duchene, Reg. No. 40,595

Name of Attorney for Applicant

Signature

Date of Signature

REQUEST FOR ENTRY OF CLAIM TO PRIORITY
AND CONDITIONAL PETITION UNDER 37 C.F.R. § 1.182

Sir:

The present patent application was initially filed on May 18, 1998, and was then refiled as a Continued Prosecution Application (CPA) on August 9, 2001. Since that date, it was recently noticed that the application has yet to be amended to include a cross reference to the prior-filed parent applications from which the present application claims the benefit of priority.

In this regard, the original declaration from the original grandparent Application No. 08/312,923, filed September 30, 1994, (now abandoned), was filed with the present application on May 18, 1998. In addition, the Utility Patent Application

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Transmittal filed with the present application indicated Application No. 08/892,881, filed July 15, 1997, as the direct parent application to the present divisional application.

Accordingly, this paper is being filed to hereby respectfully request the Commissioner to accept a claim to priority in the present application, based on the following parent applications:

1) Application No. 08/312,923, filed September 30, 1994, now abandoned;
and

2) Application No. 08/892,881, filed July 15, 1997, now issued as U.S. Patent No. 5,754,304.

An Amendment And Response To Office Action, along with a copy of a Petition For Extension Of Time, is submitted herewith to add references to each of the above prior-filed parent applications into the present application.

It is Applicants understanding that it is the USPTO's position that no petition, statement, or fee under 37 C.F.R. § 1.78(a)(3) is required in connection with this paper, since the present application is a CPA, and, according to 37 C.F.R. § 1.78(a)(2), CPAs apparently are exempt from those requirements, or, at most, those requirements do not clearly apply to the present application (which has an original filing date of May 18, 1998, being prior to November 29, 2000). For this reason, and since it is believed that Applicants have complied fully with applicable USPTO rules regarding the identification of priority applications, and because any ambiguity as to the relevance of 37 C.F.R. §§ 1.78(a)(2) and (a)(3) to the present application seems to be the result of an apparent USPTO error in drafting those rules, it is believed that Applicants should not be required to pay any fee in order to have this application obtain the above-claimed priority benefit.

Nonetheless, while Applicants strongly believe that no fee should be required in connection with this paper, if the USPTO disagrees, please treat this paper as a petition under 37 C.F.R. § 1.182, requesting that the Commissioner accept a claim to priority for the present application, based on the parent applications identified above, and charge the petition fee required under 37 C.F.R. § 1.182 and set forth in 37 C.F.R. § 1.17(h) to Deposit Account No. 06-1205.

In view of the foregoing comments, Applicants respectfully request that the U.S. Patent and Trademark Office acknowledge that the present application is entitled to the benefit of priority based on the parent applications listed above. Applicants also respectfully request the expeditious handling of this paper, the Amendment And Response To Office Action, and the Petition for Extension Of Time filed herewith.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


Attorney for Applicants

Registration No. 40,595

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200

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